

Appl. No. 10/687,243

Docket No. 58085-010202

Amdt. dated December 3, 2004

Reply to Office action of August 6, 2004

**REMARKS**

Applicants have amended claims 1-17 to correct any grammatical errors and informalities. Also applicants have included new claims 18 and 19. Applicants submit that the claims are in condition for allowance.

***Claim Rejections - 35 U.S.C. § 102***

The Examiner has rejected claims 1 and 10 under 35 U.S.C. section 102(b) as being anticipated by Sim (U.S. Patent No. 6,529,786). In order to sustain a rejection under 35 U.S.C. § 102(b) the prior art reference must teach every aspect of the claimed invention either explicitly or implicitly in a single prior art reference. (See, MPEP 706.02 and MPEP 2131).

Sim does not explicitly or implicitly teach each and every element of independent claims 1 and 10. Therefore, Sim does not anticipate independent claims 1 or 10. Specifically, independent claims 1 and 10 refer to a hierarchy of patrons as a basis to allow patrons to access an attraction. A hierarchy of patrons may be, for example, a categorization of patrons giving preferential treatment to those patrons located at the entertainment environment versus those patrons located away from the entertainment environment.

The Examiner has acknowledged that a hierarchy is not explicitly mentioned in Sim. As suggested by the Examiner, Sim may be inferred to teach a hierarchy of reserved times for attractions. However, a hierarchy of reserved times for attractions is not a hierarchy of patrons. Thus, Sim does not teach a hierarchy of patrons.

Accordingly, Sim does not anticipate independent claims neither one of claims 1 or 10. Applicants submit that the rejections of independent claims 1 and 10 should be withdrawn. Claims 2-9 and 11-17 depend from claims 1 and 10 respectively. Therefore, claims 2-9 and 11-

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17 are not anticipated by Sim. Thus, Applicants submit that the rejections of amended claims 2-9 and 11-17 should also be withdrawn.

*Claim Rejections - 35 U.S.C. § 103*

The Examiner has rejected claims 1-17 under 35 U.S.C. 103(a) as being unpatentable over Sim (U.S. Patent No. 6,529,786). The Examiner has not met his burden to prove a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, one of the basic criteria that must be met is that the prior art reference must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). As for independent claims 1, 10, 18, 19 and 20, Sim fails to teach or suggest a hierarchy of patrons. As suggested by the Examiner, Sim teaches hierarchy of time slots. This invention refers to a hierarchy of patrons. A hierarchy of patrons is not a hierarchy of time slots. Furthermore, one of ordinary skill in the art would recognize that Sim does not teach or suggest the modification of a hierarchy of time slots into a hierarchy of patrons.

Applicants submit that independent claims 1 and 10 are not rendered obvious by Sim. Applicants submit that the rejections of independent claims 1 and 10 should be withdrawn. Claims 2-9 and 11-17 depend from claims 1 and 10 respectively. Accordingly, claims 2-9 and 11-17 are not rendered obvious by Sim. Therefore, Applicant also submits that the rejections of dependent claims 2-9 and 11-17 should also be withdrawn.

Regarding Claims 18 and 19, these new claims simply further define the invention and also concern a hierarchy of patrons. Additionally, the elements of Claims 18 and 19 are all supported in the original, as-filed application and do not present new matter.

Applicants have complied with all requirements made in the above referenced communication. Accordingly, applicants respectfully request that a timely Notice of Allowance

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be issued in this case. Should matters remain, which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicants' undersigned agent.

**Fee Calculation:**

Extra Claim Fees	Extra Claims	Fee	
<b>Total Claims</b>	19 - 20 = 0	x \$ 18.00 =	\$ 0.00
<b>Independent Claims</b>	4 - 3 = 1	x \$ 88.00 =	\$ 88.00
<b>Multiple Dependent Claim</b>		\$ 150.00 =	\$ 0.00
<b>Subtotal</b>			<b>\$ 88.00</b>
<b>Additional Fees</b>			
Surcharge - late filing fee		\$	0.00
Extension for reply within the <u>first</u> month		\$	110.00
Information Disclosure Statement (IDS)		\$	0.00
<b>Subtotal</b>			<b>\$ 110.00</b>
<b>TOTAL AMOUNT OF PAYMENT</b>			<b>\$ 198.00</b>

The Director is authorized to charge \$198.00 and any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to Deposit Account Number 50-2638, Deposit Account Name Greenberg Traurig, LLP. Please ensure that the Attorney Docket Number is referred to when charging any payments or credits for this case.

Respectfully submitted,

GREENBERG TRAURIG, LLP

Date December 3, 2004

By

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